

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

Meeting of Panel C
February 22, 2012
11:00 a.m.

James R. Thompson Center
Murdock Room - IDHS
100 W. Randolph Street, Suite 5-300
Chicago, Illinois 60601

MINUTES

Present: Commissioners

Spencer Leak, Sr., Panel Chair
Diane M. Viverito
David J. Walsh

Staff

Donyelle L. Gray
Evelio Mora
Christine Welninski

Public

Pompey Hicks, III
Josh Friedman

I. Call to Order.

A meeting of Human Rights Commission Panel C was called to order on February 22, 2012, at 11:01 a.m. by Panel Chair Spencer Leak, Sr.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

A quorum of the public body was present at the meeting.

II. Consideration of Minutes.

The minutes of the meeting of October 26, 2011, were approved as submitted by staff. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

III. Contested Matters

A) Juan Mercado v. CTA

Charge No.: 2006CF2210

ALS No.: 07-137

Pending before the Panel was the Complainant's exceptions to the ALJ's Recommended Order and Decision ("ROD"). The Panel voted to decline review of the ROD and voted to adopt the ROD as the final Order and Decision of the Commission. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

B) Stephen Lyte v. Kaplan University

Charge No.: 2007CF0321

ALS No.: 09-0206

Pending before the Panel was the Complainant's Motion to File Exceptions to the Final Order and Decision ("FOD"). The Panel voted to strike the Complainant's Motion for lack of jurisdiction. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

IV. Requests for Review

A) Veronica Belback v. Medline Industries, Inc.

Charge No.: 2009CF3424

ALS No.: 10-0852

The Panel voted to vacate the dismissal in the above-referenced matter for Lack of Substantial Evidence and remanded the matter to the Department for further investigation. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

B) Timothy Tully v. Board of Trustees of Southern Illinois University

Charge No.: 2009SA2405

ALS No.: 10-0758

The Panel sustained the dismissal in the above-referenced matter for Lack of Jurisdiction. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

C) Laura L. Fernandez v. Board of Education of the City of Chicago

Charge No.: 2010CA0724

ALS No.: 10-0849

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

D) David King v. Praxair, Inc.

Charge No.: 2008CN4048

ALS No.: 10-0843

The above-referenced matter was tabled until the next Panel C meeting.

E) Crystal Bonilla v. Mulberry Manor

Charge No.: 2010SF0758

ALS No.: 10-0842

The Panel sustained the dismissal in the above-referenced matter for Lack of Jurisdiction. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

F) Victor Johnson v. Battaglia Distributing Corp., Inc.

Charge No.: 2008CF2475

ALS No.: 10-0841

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

G) Kim Winston v. Target Corp.

Charge No.: 2010CF2041

ALS No.: 10-0839

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 2-1, with Commissioner Leak opposed.

H) Tyrone Jackson v. Filtran, LLC

Charge No.: 2010CF2177

ALS No.: 10-0753

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

I) Lisa Engelhart v. Bank of America

Charge No.: 2010CF1649

ALS No.: 10-0853

The Panel sustained the dismissal in the above-referenced matter for Lack of Substantial Evidence. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

V. Petitions for Default

A) Sylvester Amore, III v. Airport Logistics Group, Inc.

Charge No.: 2011CF2793

ALS No.: 12-0052

B) Blanca Vega v. Lake Shore Management Group Lincoln Park, Inc.
Charge No.: 2011CN1902 ALS No.: 12-0053

The Panel voted to grant Petitions A through B in the above-referenced matters. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

VI. Motion to Modify Recommended Order and Decision

Anthony R. Housing and Corey Robinson v. The University of Chicago
Charge No.: 2006CF0498 & 2006CF0497 ALS No.: 06-317C

The Panel voted to grant the motion in the above-referenced matter. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 2-1, with Commissioner Leak opposed.

VII. Agreed Motion to Dismiss Complaint with Prejudice

Pompey L. Hicks, III v. Wal-Mart Stores, Inc.
Charge No.: 2006CN1269 ALS No.: 07-135

The Panel voted to grant the motion in the above-referenced matter. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

VIII. Request for Review of DHR Order of Closure Pursuant to Settlement

Edwin Rodriguez v. Florstart Sales, Inc.
Charge No.: 2011CF1706 ALS No.: 11-0865

The Panel voted to strike the Request for Review for in the above-referenced matters. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

IX. Motion to Enforce

Rosa Rodriguez v. International Village
Charge No.: 2005CF0624 ALS No.: 05-103

The Panel voted to deny the Motion in the above-referenced matter without prejudice. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

X. Motion for an Extension of Time and or Leave to File a Reply

Michael Hardy and Florence Pittman v. Richard K. Davis contact for U.S. Bancorp; Cecil McGrath, Park National Bank; Chris Marconi, Park National Bank and Pamela Kozar, Park National Bank
Charge No.: 2011CH3215 ALS No.: 11-0663

The Panel voted to grant the Motion in the above-referenced matter. Motion made by Commissioner Walsh, seconded by Commissioner Viverito. Motion carried 3-0.

XI. Adjournment.

The meeting was adjourned at 12:57 p.m. Motion made by Commissioner Viverito, seconded by Commissioner Walsh. Motion carried 3-0.

Respectfully submitted,

Donyelle L. Gray
Acting General Counsel